

AMENDED IN ASSEMBLY AUGUST 14, 2006

AMENDED IN ASSEMBLY JULY 1, 2005

AMENDED IN SENATE APRIL 27, 2005

SENATE BILL

No. 1021

Introduced by Senator Bowen
(Coauthor: Assembly Member Garcia)

February 22, 2005

An act to amend ~~Section~~ *Sections 1656.3, 11219.3, and 42001 of, and to add Sections 21070 and 42001.19, 42001.19, and 42002.1 to, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1021, as amended, Bowen. ~~Infractions: bodily injury or great bodily injury~~ *Vehicles: safety: infractions.*

(1) Existing law requires the Department of Motor Vehicles to include within the California Driver's Handbook language regarding rail transit safety and the abandonment or dumping of an animal on a highway.

This bill, additionally, would require the department to include in the handbook language regarding the importance of respecting the right-of-way of others, particularly pedestrians, bicycle riders, and motorcycle riders; and would provide that, in order to minimize the costs, this new language shall be initially included at the earliest opportunity when the handbook is otherwise revised or reprinted.

(2) Existing law requires the Director of Motor Vehicles to prescribe rules and regulations for traffic violator schools regarding, among other things, the conduct of courses of education including the curriculum. Existing law requires that curriculum to include the rights

and duties of motorists as they pertain to pedestrians and the rights and duties of pedestrians as they pertain to traffic laws and traffic safety.

This bill, additionally, would require that curriculum to include information that emphasizes respecting the right-of-way of others, particularly with respect to pedestrians, bicycle riders, and motorcycle riders.

(3) Under existing law, it is generally an infraction punishable by a fine not exceeding \$100 for a driver to violate the traffic laws of this state.

This bill would create the public offense of unsafe operation of a motor vehicle with bodily injury or great bodily injury, as defined, and would impose a fine of ~~\$50~~ \$70 if bodily injury is involved and ~~\$70~~ \$95 if great bodily injury is involved.

Because this bill would create a new crime, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1656.3 of the Vehicle Code is amended
2 to read:

3 1656.3. (a) The department shall include within the
4 California Driver's Handbook, as specified in subdivision (b) of
5 Section 1656, language regarding each of the following:

6 (1) Rail transit safety.

7 (2) Abandonment or dumping of any animal on a highway.

8 (3) *The importance of respecting the right-of-way of others,*
9 *particularly pedestrians, bicycle riders, and motorcycle riders.*

10 (b) In order to minimize costs, the language referred to in
11 ~~paragraph~~ paragraphs (2) and (3) of subdivision (a) shall be
12 initially included at the earliest opportunity when the handbook is
13 otherwise revised or reprinted.

1 *SEC. 2. Section 11219.3 of the Vehicle Code is amended to*
2 *read:*

3 11219.3. The curriculum prescribed pursuant to Section
4 11219 shall include, but is not limited to, ~~the rights~~ *the following:*

5 (a) ~~The rights~~ and duties of a motorist as they pertain to
6 pedestrians ~~and the rights~~.

7 (b) ~~The rights~~ and duties of a pedestrian as they relate to traffic
8 laws and traffic safety.

9 (c) *Information that emphasizes respecting the right-of-way of*
10 *others, particularly with respect to pedestrians, bicycle riders,*
11 *and motorcycle riders.*

12 ~~SECTION 1.~~

13 *SEC. 3. Section 21070 is added to the Vehicle Code, to read:*

14 21070. Notwithstanding any other provision of law, a driver
15 who violates any provision of this division, that is punishable as
16 an infraction, and as a result of that violation proximately causes
17 bodily injury or great bodily injury, as defined in Section
18 12022.7 of the Penal Code, to another person is guilty of the
19 public offense of unsafe operation of a motor vehicle with bodily
20 injury or great bodily injury. That violation is punishable as an
21 infraction pursuant to Section 42001.19.

22 ~~SEC. 2. Section 42001 of the Vehicle Code is amended to~~
23 ~~read:~~

24 ~~42001. (a) Except as provided in subdivision (c) of Section~~
25 ~~21464, or Section 42000.5, 42001.1, 42001.2, 42001.3, 42001.5,~~
26 ~~42001.7, 42001.8, 42001.9, 42001.11, 42001.12, 42001.13,~~
27 ~~42001.14, 42001.15, 42001.16, subdivision (a) of Section~~
28 ~~42001.17, Section 42001.18, or Section 42001.19, or subdivision~~
29 ~~(b), (c), or (d) of this section, or Article 2 (commencing with~~
30 ~~Section 42030), every person convicted of an infraction for a~~
31 ~~violation of this code or of any local ordinance adopted pursuant~~
32 ~~to this code shall be punished as follows:~~

33 ~~(1) By a fine not exceeding one hundred dollars (\$100).~~

34 ~~(2) For a second infraction occurring within one year of a prior~~
35 ~~infraction which resulted in a conviction, a fine not exceeding~~
36 ~~two hundred dollars (\$200).~~

37 ~~(3) For a third or any subsequent infraction occurring within~~
38 ~~one year of two or more prior infractions which resulted in~~
39 ~~convictions, a fine not exceeding two hundred fifty dollars~~
40 ~~(\$250).~~

~~(b) Every person convicted of a misdemeanor violation of Section 2800, 2801, or 2803, insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, shall be punished as follows:~~

~~(1) By a fine not exceeding fifty dollars (\$50) or imprisonment in the county jail not exceeding five days.~~

~~(2) For a second conviction within a period of one year, a fine not exceeding one hundred dollars (\$100) or imprisonment in the county jail not exceeding 10 days, or both that fine and imprisonment.~~

~~(3) For a third or any subsequent conviction within a period of one year, a fine not exceeding five hundred dollars (\$500) or imprisonment in the county jail not exceeding six months, or both that fine and imprisonment.~~

~~(c) A pedestrian convicted of an infraction for a violation of this code or any local ordinance adopted pursuant to this code shall be punished by a fine not exceeding fifty dollars (\$50).~~

~~(d) A person convicted of a violation of subdivision (a) or (b) of Section 27150.3 shall be punished by a fine of two hundred fifty dollars (\$250), and a person convicted of a violation of subdivision (c) of Section 27150.3 shall be punished by a fine of one thousand dollars (\$1,000).~~

~~(e) Notwithstanding any other provision of law, any local public entity that employs peace officers, as designated under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, the California State University, and the University of California may, by ordinance or resolution, establish a schedule of fines applicable to infractions committed by bicyclists within its jurisdiction. Any fine, including all penalty assessments and court costs, established pursuant to this subdivision shall not exceed the maximum fine, including penalty assessment and court costs, otherwise authorized by this code for that violation. If a bicycle fine schedule is adopted, it shall be used by the courts having jurisdiction over the area within which the ordinance or resolution is applicable instead of the fines, including penalty assessments and court costs, otherwise applicable under this code.~~

SEC. 4. Section 42001 of the Vehicle Code is amended to read:

1 42001. (a) Except as provided in ~~subdivision (e) of Section~~
2 ~~21464, or Section 42000.5, 42001.1, 42001.2, 42001.3, 42001.5,~~
3 ~~42001.7, 42001.8, 42001.9, 42001.11, 42001.12, 42001.13,~~
4 ~~42001.14, 42001.15, 42001.16, or subdivision (a) of Section~~
5 ~~42001.17, Section 42001.18, or Section 42001.20, or subdivision~~
6 ~~(b), (c), or (d) of this section, or Article 2 (commencing with~~
7 ~~Section 42030), every this code, a~~ person convicted of an
8 infraction for a violation of this code or of ~~any a~~ local ordinance
9 adopted pursuant to this code shall be punished as follows:

10 (1) By a fine not exceeding one hundred dollars (\$100).

11 (2) For a second infraction occurring within one year of a prior
12 infraction ~~which that~~ resulted in a conviction, a fine not
13 exceeding two hundred dollars (\$200).

14 (3) For a third or ~~any a~~ subsequent infraction occurring within
15 one year of two or more prior infractions ~~which that~~ resulted in
16 convictions, a fine not exceeding two hundred fifty dollars
17 (\$250).

18 ~~(b) Every person convicted of a misdemeanor violation of~~
19 ~~Section 2800, 2801, or 2803, insofar as they affect failure to stop~~
20 ~~and submit to inspection of equipment or for an unsafe condition~~
21 ~~endangering any person, shall be punished as follows:~~

22 ~~(1) By a fine not exceeding fifty dollars (\$50) or imprisonment~~
23 ~~in the county jail not exceeding five days.~~

24 ~~(2) For a second conviction within a period of one year, a fine~~
25 ~~not exceeding one hundred dollars (\$100) or imprisonment in the~~
26 ~~county jail not exceeding 10 days, or both that fine and~~
27 ~~imprisonment.~~

28 ~~(3) For a third or any subsequent conviction within a period of~~
29 ~~one year, a fine not exceeding five hundred dollars (\$500) or~~
30 ~~imprisonment in the county jail not exceeding six months, or~~
31 ~~both that fine and imprisonment.~~

32 ~~(c)~~

33 (b) A pedestrian convicted of an infraction for a violation of
34 this code or ~~any a~~ local ordinance adopted pursuant to this code
35 shall be punished by a fine not exceeding fifty dollars (\$50).

36 ~~(d)~~

37 (c) A person convicted of a violation of subdivision (a) or (b)
38 of Section 27150.3 shall be punished by a fine of two hundred
39 fifty dollars (\$250), and a person convicted of a violation of

subdivision (c) of Section 27150.3 shall be punished by a fine of one thousand dollars (\$1,000).

~~(e)–~~

(d) Notwithstanding any other provision of law, ~~any~~ a local public entity that employs peace officers, as designated under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, the California State University, and the University of California may, by ordinance or resolution, establish a schedule of fines applicable to infractions committed by bicyclists within its jurisdiction. ~~Any~~ A fine, including all penalty assessments and court costs, established pursuant to this subdivision shall not exceed the maximum fine, including penalty assessment and court costs, otherwise authorized by this code for that violation. If a bicycle fine schedule is adopted, it shall be used by the courts having jurisdiction over the area within which the ordinance or resolution is applicable instead of the fines, including penalty assessments and court costs, otherwise applicable under this code.

~~SEC. 3.~~

SEC. 5. Section 42001.19 is added to the Vehicle Code, to read:

42001.19. Notwithstanding any other provision of law, a person convicted of a violation of Section 21070 is punishable, as follows:

(a) For a violation involving bodily injury, by a fine of ~~fifty dollars (\$50)~~ *seventy dollars (\$70)*.

(b) For a violation involving great bodily injury, as defined in Section 12022.7 of the Penal Code, by a fine of ~~seventy dollars (\$70)~~ *ninety-five dollars (\$95)*.

SEC. 6. *Section 42002.1 is added to the Vehicle Code, to read:*

42002.1. A person convicted of a misdemeanor violation of Section 2800, 2801, or 2803, insofar as it affects a failure to stop and submit to inspection of equipment or for an unsafe condition endangering a person, shall be punished as follows:

(a) By a fine not exceeding fifty dollars (\$50) or imprisonment in the county jail not exceeding five days.

(b) For a second conviction within a period of one year, a fine not exceeding one hundred dollars (\$100) or imprisonment in the

1 *county jail not exceeding 10 days, or both that fine and*
2 *imprisonment.*

3 *(c) For a third or a subsequent conviction within a period of*
4 *one year, a fine not exceeding five hundred dollars (\$500) or*
5 *imprisonment in the county jail not exceeding six months, or both*
6 *that fine and imprisonment.*

7 ~~SEC. 4.~~

8 *SEC. 7.* No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the
13 penalty for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition of a
15 crime within the meaning of Section 6 of Article XIII B of the
16 California Constitution.

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19 **CORRECTIONS:** _____

20 **Text — Page 3.**